

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

BIKASH MOHAN MOHANTY,  
Individually And On Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

AMIR BASSAN-ESKENAZI, RAN OZ,  
FREDERICK BALL, GAL ISRAELY,  
DEAN GILBERT, KEN GOLDMAN,  
LLOYD CARNEY, BRUCE SACHS,  
ROBERT SACHS, GEOFFREY YANG,  
MORGAN STANLEY & CO. INC.,  
MERRILL LYNCH PIERCE FENNER &  
SMITH INC., JEFFRIES & CO. INC.,  
THINKEQUITY PARTNERS LLC,  
BIGBAND NETWORKS INC. and  
COWEN & CO. INC.,

Defendants.

No. 4:07-cv-05101-SBA

**DECLARATION OF ADAM  
GAUTHIER IN FURTHER  
SUPPORT OF MOTION OF  
SPHERA FUND FOR  
APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL  
OF SELECTION OF CO-LEAD  
COUNSEL**

Date: February 5, 2008

Time: 1:00 p.m.

Courtroom 3

Hon. Sandra B. Armstrong

**DECLARATION OF ADAM GAUTHIER**

I, Adam Gauthier, hereby declare as follows:

1. I submit this Declaration in support of the motion of Sphera Fund Ltd.  
("Sphera Fund") for appointment as Lead Plaintiff in the above-captioned action.

I am fully familiar with the facts set forth herein.

2. I am an associate for the law firm of Glancy Binkow & Goldberg LLP  
who represents Sphera Fund in this litigation in its motion for appointment as Lead

1 Plaintiff and approval of Lead Plaintiff's selection of Glancy Binkow & Goldberg  
2 LLP as co-lead counsel.

3       3. In connection with our initial opposition we had no ability to ascertain  
4 any relevant information about Mr. Gwyn Jones ("Jones") since little was provided  
5 by Jones's counsel regarding his adequacy as Lead Plaintiff. After receiving  
6 Jones's opposition brief, we then had the ability to perform research regarding his  
7 background and ability to perform as Lead Plaintiff in the above-captioned action.  
8

9  
10       4. I personally ran a search for Jones on *Google* and I located a webpage  
11 on the LinkedIn website<sup>1</sup> with a profile appearing to match the description of Jones  
12 provided by Jones's counsel. See attached Exhibit A.  
13

14  
15       5. According to the LinkedIn profile, Jones was a resident of Cyprus and  
16 under the section entitled "Gwyn Jones's Summary" he "had around 30 years in  
17 early-stage technology companies . . . 20+ years as a senior (C-level/VP)  
18 entrepreneurial executive. 20+ years as a director (both executive and non-  
19 executive) serving on the boards of both public and privately-held companies."  
20

21  
22       6. Under "Gwyn Jones's Experience" the profile lists, in resume format,  
23 companies where Jones either worked or invested in over the years, going back as  
24 early as 1978. These representations also match closely with those of Jones's  
25 counsel.  
26

27  
28  

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<sup>1</sup> <http://www.linkedin.com/in/gwynj>

1           7.     Based on the representations made, which closely match those of  
2 Jones's counsel's briefs, it appears the LinkedIn profile I located was made by the  
3 actual movant Gwyn Jones or was done on his behalf.  
4

5           8.     In addition to a detailed job and investment history, the profile  
6 included a section entitled "Gwyn Jones's Education" which included educational  
7 institutions where Jones received degrees.  
8

9           9.     Among the institutions listed in which Jones obtained a degree was  
10 Massachusetts Institute of Technology ("MIT"), where it indicated that Jones  
11 obtained a Masters of Engineering, Logistics.  
12

13           10.    On January 22, 2008, at approximately 12:00 PM Pacific Standard  
14 Time, I telephoned the Registrars Office at MIT to verify whether Jones had in fact  
15 been conferred a degree by MIT.  
16

17           11.    During that phone conversation, I spoke with a representative at the  
18 Registrars Office. I told the representative that I would like to verify whether an  
19 individual by the name of Gwyn Jones, approximately 48 years of age, received a  
20 Masters Degree in Engineering, Logistics at MIT.  
21  
22

23           12.    The representative confirmed that an individual by the name of Gwyn  
24 Jones, matching my description, did enroll in the Masters program for Engineering  
25 at MIT in November of 2004, but that **no award of degree** was ever made.  
26  
27  
28

Executed on this 22<sup>nd</sup> day of January, 2008, at Los Angeles, California.

Adam Faint

Adam Gauthier

# **EXHIBIT A**

# Gwyn Jones



Startup Advisor/Non-exec

Cyprus

- Past**
- Investor at Pakit (Canada/Sweden)
  - Investor/advisor at Channel Velocity (USA)
  - Investor/advisor at FoneVillage (China)
- 10 more...

- Education**
- INSEAD
  - University of Oxford - Said Business School
  - Massachusetts Institute of Technology
- 1 more...

**Connections** 36 connections

**Industry** Venture Capital & Private Equity

**Websites** • [Facebook](#)

View Gwyn Jones's profile on LinkedIn, the world's largest professional network. View Gwyn Jones's profile on LinkedIn, the world's largest professional network. View Gwyn Jones's profile on LinkedIn, the world's largest professional network.

## Gwyn Jones's Summary

I joined my first startup at 18 instead of going to university, so I've had around 30 years in early-stage technology companies, ranging in size from \$100k in revenues to \$2bn in market cap. 20+ years as a senior (C-level/VP) entrepreneurial executive. 20+ years as a director (both executive and non-executive) serving on the boards of both public and privately-held companies. I've co-founded several successful software and web-based companies with technologies used by millions of users.

### Gwyn Jones's Specialties:

Internet, e-commerce, entrepreneur, startup, angel investor, direct marketing, general management, product management, product marketing, PR, international, public speaker, business plans, fundraising, non-executive director, technology roadmap, technology management, MBA

View Gwyn Jones's profile on LinkedIn, the world's largest professional network. View Gwyn Jones's profile on LinkedIn, the world's largest professional network. View Gwyn Jones's profile on LinkedIn, the world's largest professional network.

## Gwyn Jones's Experience

### Investor

#### Pakit (Canada/Sweden)

(Privately Held; 51-200 employees; Packaging and Containers industry)

2006 — 2007 (1 year)

[www.pakitinc.com](http://www.pakitinc.com)

### Investor/advisor

#### Channel Velocity (USA)

(Privately Held; 11-50 employees; Logistics and Supply Chain industry)

2006 — 2007 (1 year)

[www.channelvelocity.com](http://www.channelvelocity.com)

**Investor/advisor****FoneVillage (China)**

(Privately Held; 11-50 employees; Internet industry)

2007 — 2007 (less than a year)

[www.fonevillage.com](http://www.fonevillage.com)

**Director****Eclean (UK)**

(Privately Held; 1-10 employees; Facilities Services industry)

2003 — 2006 (3 years)

[www.ecleanuk.com](http://www.ecleanuk.com)

**Entrepreneur in Residence****University of Portsmouth (UK)**

(Educational Institution; 1001-5000 employees; Higher Education industry)

2005 — 2006 (1 year)

**Entrepreneur in Residence****City University (London, UK)**

(Educational Institution; 5001-10,000 employees; Higher Education industry)

2003 — 2004 (1 year)

**CMO****HumanConcepts (USA)**

(Privately Held; 51-200 employees; Computer Software industry)

2001 — 2002 (1 year)

[www.humanconcepts.com](http://www.humanconcepts.com)

**CTO****Sportœum (USA)**

(Privately Held; 11-50 employees; Apparel & Fashion industry)

2001 — 2002 (1 year)

**Senior VP Product Development****VistaPrint (France/USA/global)**

(Public Company; 501-1000 employees; VPRT; Internet industry)

1999 — 2001 (2 years)

[www.vistaprint.com](http://www.vistaprint.com)

**Executive VP Product Development & Director****Software Publishing Corporation (USA/global)**

(Public Company; 201-500 employees; SPCO; Computer Software industry)

1996 — 1997 (1 year)

## CEO & Director

### Serif (UK/USA)

(Privately Held; 201-500 employees; Computer Software industry)

1987 — 1996 (9 years)

[www.serif.com](http://www.serif.com)

## CTO & Director

### LaserMaker (UK/USA)

(Privately Held; 11-50 employees; Printing industry)

1983 — 1987 (4 years)

## Senior Software Engineer

### Xenotron (UK/USA/Australia)

(Privately Held; 51-200 employees; Newspapers industry)

1978 — 1983 (5 years)

## Gwyn Jones's Education

### INSEAD

MBA, Management

### University of Oxford - Said Business School

MSc, Management Research

### Massachusetts Institute of Technology

MEng, Logistics

### Nova Southeastern University

MS, Computer Information Systems

## Additional Information

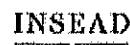
### Gwyn Jones's Websites:

[Facebook](#)

### Gwyn Jones's Interests:

Travel/International Living -- Educated in France, UK, USA. Lived/worked in Andorra, Argentina, Australia, Brazil, Canada, Cyprus, Dubai, France, Panama, Spain, UK, USA. Sports -- open-water swimmer, mountain biker, qualified ski instructor, masters triathlete.

### Gwyn Jones's Groups:



INSEAD Alumni member



Oxford Business Alumni member